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**Date:** January 27, 2005

**To:** Karl D. Easthom

**Fax No:** 703-872-9306

**From:** Brian Steinberger

**Re:** Atty. Docket No: UCF-293

**Serial No.:** 10/764,242

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Atty. Docket No.: UCF-293 DIV

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IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE

Applicant: Lee Chow, et al.  
Serial No.: 10/764,242  
Filed: 1/23/2004  
For: FABRICATION OF NANO-SCALE TEMPERATURE SENSORS AND HEATER  
Examiner: Karl D. Easthom Group: 2832 Paper No.:

ELECTION

Commissioner of Patents  
and Trademarks  
P O Box 1450  
Alexandria, VA 22313-1450

Honorable Commissioner:

I enclose the following papers:

1. ELECTION

Please enter the above correspondence.

Respectfully submitted,

Brian S. Steinberger  
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Date

Brian S. Steinberger  
(Name of Person Mailing Papers)

(Signature of Person Mailing Papers)  
Customer no.: 23717

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Sir:

In response to the Examiner's Action mailed December 30, 2004, Applicants elect to prosecute with traverse Group I, claims 1-6 drawn to method of making a sensor, classified in class 29, subclass 610.1.

The examiner restricted the invention to:

Group one (I) claims 1-6 drawn to method of making a sensor, classified in class 29, subclass 610.1

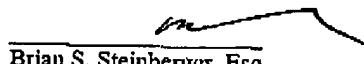
Group two (II) claims 7-14 drawn to a heater and a sensor, classified in classes 219, subclass 201 and 338 subclass 25.

In reference to the Restriction requirement, the Applicants again wish to make their election to prosecute the invention of Group I, claims 1-6. If further restrictions are merited, please let us know. Applicants disagree with the restriction requirement for several reasons.

A policy consideration behind a restriction requirement would suggest that separate inventions exist that inherently would include separate prior art searches, examinations, examiners, etc. The Primary Examiner does not state that different art units and/or different examiners would need to search and examine the inventions of Group I and II. If Inventions of Group I and II can be searched by the same art unit and further by the same examiner, then having different examiners conduct separate searches and examinations would create an undue time and financial burden on both the patent office and on the applicants.

Thus, any restriction requirement could have the effect of having different examiners working on the other inventions. Further, multiple examinations on these inventions would be repetitive and excessive. For these reasons, Applicants request reconsideration and withdrawal of the restriction requirement.

Respectfully Submitted:

  
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Date 1/27/05